

**Item 3**

## **Legislative Update**

### **Purpose of report**

For information and decision.

### **Summary**

This report provides members with an update on the progress of the Scrap Metal Dealers Bill, and the draft Anti-Social Behaviour Bill.

### **Recommendations**

Members are asked to:

1. note the latest developments with the Scrap Metal Dealers and Anti-Social Behaviour Bills; and
2. comment on the proposed LGA action in relation to each Bill, in particular whether to continue to press for amendments.

### **Action**

LGA officers to progress as appropriate.

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## **Legislative Update**

### **Scrap Metal Dealers Bill**

1. In November, the Board received a report on the progress of Richard Ottaway's private member's bill to reform the regulation of scrap metal dealers. The report outlined the amendment of the Bill by the government to allow local authorities to set licence fees locally, as well as the Home Office's decision to resist the LGA's amendment that would let councils impose local conditions when granting the licence.
2. Officers reported that there was a considerable degree of concern that the Bill would be talked out at the report stage and third reading in the House of Commons. The Board was clear that it was important that the Bill pass the report stage and become legislation, and suggested an intensive lobbying campaign with MPs urging them to support the Bill.

### **Report stage and Third Reading**

3. Further discussions revealed that the main threat to the Bill was from two MPs who were looking to talk the Bill out, having tabled over 110 amendments. Having identified the two MPs concerned, Philip Davies and Christopher Chope, appropriate Board and other LGA members were asked to contact them, as was the leader of the county council in Mr Chope's case and Baroness Eaton in the case of Mr Davies. Through a range of channels, including the Chairman's letter to leaders, the LGA took an active part in a concerted campaign with partners to bring pressure to bear on these MPs.
4. Report stage and Third Reading took place on 9 November. There was a lengthy debate during which Mr Ottaway and other speakers referred to the LGA's support for the Bill. During the debate the two MPs stated their intention to improve the Bill, rather than halt it completely, but made the point on a number of occasions that the Bill should have been a government one, which would have enabled greater scrutiny of it.
5. As a result of the debate, one concession was agreed: that the legislation should be reviewed three years after it received Royal Assent, and to ensure this happens that the Bill would contain an expiry clause bringing it to an end five years from the date that section 1 comes into force. It is anticipated that these amendments will be made during the Bill's passage through the House of Lords.

### **The House of Lords**

6. The Bill had its first reading in the House of Lords on 12 November and second reading on 30 November. We have continued to lobby for councils to have the ability to impose local conditions and Cllr Mehboob Khan has raised this in his meeting with the relevant Home Office Minister, Jeremy Browne MP, and in writing afterwards. Unfortunately we have now received a reply repeating the Home Office's opposition to introduction of local conditions into scrap metal dealer licences (attached as **Appendices A and B**).

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Members will therefore want to consider if we want to press for amendments to be tabled at committee stage in the House of Lords allowing councils to impose local conditions when a scrap metal dealer's licence is granted. Realistically, these are likely to be strongly resisted by Government and there is a real risk to the Bill if we take this course of action as there is limited parliamentary time for the Bill to return to the Commons. Given the strength of feeling across communities, the sector and transport and energy companies about the importance of this Bill, we would advise Members not to put the chances of Royal Assent in jeopardy.

#### **Draft Anti-Social Behaviour Bill**

7. The government finally produced its response to the Home Office's consultation on new tools and powers for tackling anti-social behaviour in May, when the Anti-Social Behaviour White Paper was published. As was reported to the Board in July, the White Paper indicated that there would be a draft Bill introduced into parliament to allow for pre-legislative scrutiny of the proposals. This draft bill was published by the Home Office on 13 December.
8. The Bill provides the legislation necessary to introduce the six new tools and powers the government proposed. It also included a new proposal for a community remedy. The community remedy would be produced by every police and crime commissioner for their force area in consultation with the chief constable and the public, and would set out how offenders subject to out of court disposals should be 'punished' by police officers.
9. The LGA published an on the day briefing about the draft Bill which provides details on how the new tools and powers will work. This is attached at **Appendix C**, and notes some changes in the details where the Home Office had responded to issues raised by the Board in its submissions. One proposal that remains, although the LGA has been sceptical about the benefits of it, is the community trigger. Home Office officials have attempted to provide reassurance on the impact the trigger will have on local authorities, noting that the community trigger pilots conducted by four areas had not resulted in large numbers of complaints and had led to improvements in the handling of anti-social behaviour incidents. However the formal evaluation of the pilots will not be available until the spring and in some instances the trigger pilots have not been running long enough to be able to make an accurate assessment of their impact on local authorities. The LGA therefore suggested that the community trigger proposal should not be taken forward until the results of the pilots had been properly assessed.

#### **Conclusion and next steps**

10. The Scrap Metal Dealers Bill has its committee stage in the House of Lords on 18 January, without a date being set yet for Report Stage and Third Reading. The Home Affairs Select Committee in the Commons has announced that it will be scrutinising the draft Anti-Social Behaviour Bill in January when it will be taking written and oral evidence from Cllr Anita Lower.

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11. The LGA will be briefing peers ahead of the committee stage of the Scrap Metal Dealers Bill in the House of Lords to signal our support for the bill, and subject to members' views to also outline why we support the ability for councils to impose local conditions. One of the Board's Anti-Social Behaviour Champions, Cllr Anita Lower, has also been invited by the Home Affairs Select Committee to give evidence on 15 January. This will provide an opportunity to convey areas of support as well as our key concerns to influence the final shape of the bill. The Bill is expected to be introduced in the new session of parliament in May.

**Financial Implications**

12. Work related to these Bills will be carried out from existing resources so there are no financial implications arising from this report.